UNITED NATIONS **A**

General Assembly

Distr.
GENERAL

A/50/803
5 December 1995

ORIGINAL: ENGLISH

Fiftieth session
Agenda item 145

REPORT OF THE SPECIAL COMMITTEE ON THE CHARTER OF THE UNITED NATIONS AND ON THE STRENGTHENING OF THE ROLE OF THE ORGANIZATION

Letter dated 29 November 1995 from the Permanent Representative of the Democratic People's Republic of Korea to the United Nations addressed to the Secretary-General

I have the honour to enclose herewith the text of a statement containing the position of the delegation of the Democratic People's Republic of Korea relating to the question of the deletion of the "enemy State" clauses from the Charter of the United Nations (see annex).

I would be grateful if you could arrange to have the present letter and attached statement circulated as a document of the General Assembly under agenda item 145.

(Signed) PAK Gil Yon
Ambassador
Permanent Representative

95-38776 (E) 061295 071295

/...

ANNEX

Statement made by the delegation of the Democratic People's Republic of Korea on the question of the deletion of the "enemy State" clauses from the Charter of the United Nations

The debates on certain international issues at the United Nations show that majority views are not always right. A stark example of this is the question of the deletion of the "enemy State" clauses. It has been alleged that the "enemy State" clauses should be deleted from the Charter of the United Nations because many countries are in support of it.

In this respect, the delegation of the Democratic People's Republic of Korea clarifies its position on the question of the deletion of the "enemy State" clauses from the Charter as follows.

Firstly, the "enemy State" clauses of the Charter cannot automatically become obsolete simply because time has elapsed since the adoption of the Charter and great change has taken place in the political arena.

The question of the deletion of the "enemy State" clauses should not be viewed from a time perspective. This is a serious political matter related to the liquidation of past crimes by those States referred to as "enemy States" in the Charter.

Therefore, as long as past crimes still remain unsettled, the "enemy State" clauses cannot be considered obsolete.

Among those referred to as enemy States in the Charter, Japan is the only country that has still neither admitted nor liquidated her crime-woven past even today after the passage of half a century.

Japan occupied the Asian countries during the Second World War and committed capital crimes against humanity.

In particular, during her 40-year-long colonial rule over Korea, Japan forcibly drafted more than 6 million people as forced labourers and bullet shields, and took away 200 thousand Korean teenage girls as sex slaves for the Japanese army, thus inflicting immeasurable misfortune upon the entire Korean people in both the north and south.

Therefore, any attempt to acquit Japan of past crimes without her full apology and compensation on the pretext of the passage of time will be an intolerable insult that ignores the deep-seated anti-Japanese enmity of the entire Korean people as well as of other Asian peoples.

Secondly, the question of the deletion of the "enemy State" clauses poses a serious political question relating to the peace and security of humankind.

Japan has still failed to make a clean slate of her past crimes against the Asian peoples by pledging herself not to repeat the same crimes at a state level.

Most recently, some Japanese parliamentarians have alleged that Japan's invasion of the Asian countries was a righteous act to liberate them from western colonial rule and that her apology for past crimes would thus be a distortion of history and a seed of misfortune for the future of Japan.

All these facts not only indicate that Japan has no intention to reflect upon her past crimes, but also invite apprehensions that Japan would unhesitatingly commit capital crimes once again when the time came.

Therefore, acquitting Japan of her past crimes at this stage would mean justifying Japan's allegations that beautify her aggression and capital crimes and also fanning Japan's ambition for reinvasion of other countries. This goes against the purposes and principles of the Charter of the United Nations for the maintenance of international peace and security.

Thirdly, Japan's contribution to the United Nations cannot be the reason for her being acquitted of pat crimes.

If the international community glosses over Japan's past crimes because she is rich and makes some contributions to the United Nations it will prove of its own accord that money can be a decisive factor in resolving all issues at the United Nations. This will also be an infringement of justice and impartiality, which are the lifeline of the United Nations.

In particular, it is contradictory that the General Assembly should adopt a resolution on the deletion of the "enemy State" clauses aimed at tolerating Japan's past crimes when the Commission on Human Rights has adopted a resolution urging Japan fully to investigate and compensate for her past crimes against humanity, including the issue of the "war comfort women".

The Democratic People's Republic of Korea is not opposed to the deletion of the "enemy State" clauses per se. What she is opposed to is the approach to treat Japan on a equal footing with the other countries like Germany that are linked to the "enemy State" clauses of the Charter, but which have liquidated their past in a comparatively conscientious manner.

Therefore, the delegation of the Democratic People's Republic of Korea has proposed that the Charter be amended in such a way that the "enemy State" clauses apply only to Japan on an interim basis until she liquidates her past crimes sincerely.